



DEPARTMENT OF THE ARMY  
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT  
600 ARMY PENTAGON  
WASHINGTON, DC 20310-0600



REPLY TO  
ATTENTION OF

DAIM-ED-R

**APR 25 2002**

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Interim Notification Guidance on Documenting and Reviewing Land Use Controls (LUCs) developed under the Army Environmental Restoration Program

1. Reference memorandum, SFIM-AEC-ERP, 17 Aug 01, subject: Interim Army Management Plan for Land Use Controls Associated with Environmental Restoration Activities.
2. This memorandum is to clarify appropriate steps for documenting and reviewing LUCs in environmental restoration decision documents (DDs) or Records of Decision (RODs) at Army active and transferring installations, and at Formerly Used Defense Sites (FUDS). This topic has been a source of recent disagreements between the Department of Defense (DOD) and the U.S. Environmental Protection Agency (EPA) that have stalled the restoration process at a number of DOD installations. Accordingly, this guidance provides a process to be used until further guidance is developed to avoid such potential delays.
3. The major Army commands (MACOM), U.S. Army Corps of Engineers (USACE) divisions, installations, and USACE districts shall immediately notify the Office of the Director of Environmental Programs (ODEP) if a regulatory agency refuses to sign a DD/ROD because of land use control issues. In support of timely execution of environmental cleanup and protection of human health and the environment, the affected installations and USACE districts shall submit their DDs/RODs subject to such disagreement through their chain of command to ODEP for further guidance.
4. Active and transferring installations shall notify the U.S. Army Environmental Center (USAEC) of any DD/ROD that the installation anticipates to be controversial to the EPA, state regulatory agency, or the public in general regarding land use controls. Such notification should occur as soon as the issue has been identified but no later than during review of the draft DD/ROD by the USAEC. The point of contact at the USAEC is Mr. Derek Romitti, (410) 436-1506, fax (410) 436-1548, electronic mail [Derek.romitti@aec.apgea.army.mil](mailto:Derek.romitti@aec.apgea.army.mil).

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5. At FUDS properties, the USACE districts through their USACE division shall notify Headquarters, USACE of any DD or ROD that the district anticipates to be controversial to the EPA, state regulatory agency, or the public in general regarding land use controls. Such notification should occur as soon as the issue has been identified but no later than during review of the draft DD/ROD by the USACE. The point of contact at the USACE is Mr. Julian Chu, (202 761-4695, fax (202) 761-1960, electronic mail [julian.t.chu@hq02.usace.army.mil](mailto:julian.t.chu@hq02.usace.army.mil).

6. The Army shall continue to follow the process for documenting LUCs outlined in the referenced Army Interim Land Use Control Management Plan. More specifically, the Army shall include the following information about LUC(s) in the decision document:

- the type of land use control;
- the reasonably anticipated future land use;
- the location and source of the contamination that the control addresses;
- the role of the LUC in achieving the remedial action objective;
- the means for terminating and/or modifying the control.

7. The Army shall not include details pertaining to LUC enforcement, monitoring, or reporting in the decision document. Such details should be documented instead in a secondary implementation plan. On a case-specific basis, the Army may enter voluntary agreements with regulatory agencies that identify LUC implementation activities and responsibilities. Such agreements will not be appended to – or otherwise associated with – formal remedial decision documents.

8. My points of contact in the ODEP for this action are: Susan Abston, (703) 693-0679, fax (703) 697-0338, e-mail [susan.abston@hqda.army.mil](mailto:susan.abston@hqda.army.mil); or Angela Atkins, (703) 693-0642, e-mail [angela.atkins@hqda.army.mil](mailto:angela.atkins@hqda.army.mil).

  
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Assistant Chief of Staff  
for Installation Management

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